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Wyoming Department of Health  
Aging Division

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# Policy Information Notice

**DATE:** January 14, 2009

**PIN #:** QUAS-2009-001

**SUBJECT:** Confidentiality

**TO:** All Aging Division Contractors providing Title III, Title VII, or CBIHS Services

This Policy Information Notice (PIN) provides guidance relating to confidentiality of data relating to clients served by and through programs funded by the Aging Division of the Wyoming Department of Health.

**Definitions:**

Confidential Information - Any information that identifies and describes an individual client receiving services paid for or funded by or through the Aging Division of the Wyoming Department of Health, including State and Federal funding. Such confidential information may include, but not limited to, his or her name, address, phone number, social security number, protected health information, financial account information, services provided, etc.

**Policy:**

Ensuring client confidentiality, and strictly adhering to laws, rules, regulations and policies that require client confidentiality, is a standard of professional conduct for all contractors providing services on behalf of the Aging Division of the Wyoming Department of Health. Where subcontractors are utilized by the contractor to provide services funded by or through the Aging Division, the contractor shall retain full and complete responsibility for the related operation and activities of the subcontractor in the provision of services. The contractor shall ensure that the subcontractor adheres to this policy.

Through the normal execution of their work, in their work and service provision environments, and through written and verbal conversations as well as computer records, contractors and their employees may have access directly or indirectly to client information. Any and all information obtained officially or unofficially concerning a client shall be treated and considered confidential information. Acts of disclosure of confidential information about a client to any unauthorized personnel or for any purpose that is not work related shall be regarded as grounds for disciplinary action up to and including termination of contract and appropriate legal action.

1. Client information must not be accessed, removed, discussed with or disclosed to unauthorized persons, either within or outside of the contractor's organization, without the proper consent of the client. All individuals having access to confidential information are bound by strict ethical and legal restrictions on the release of confidential

information. No individual may disclose to a third party, including his/her own family, information learned from client records, files, medical charts, client accounts, management information systems, or any other data sources during the course of his/her work. No individual may access confidential information that they do not have a need to know to carry out their job duties. Employees may not access, release or discuss or in any manner disclose the confidential information of clients without proper consent, unless the employee must do so to carry out specific assigned job functions.

2. The contractor shall advise each contractor employee and sub-contractor, before he or she receives access to the Information, of the obligations of the contractor under this policy, and require the employee or subcontractor to maintain those obligations.
3. All hardcopy client files and documents managed and maintained by the contractor are to be kept in closed, locked file cabinets.
4. Electronic data files, regardless of the form or storage media, containing client information must be kept secure. Access to such files shall be restricted to individuals who have a "need to know", and are accessing the data with a unique username and password that is not shared. Electronic data files must be properly backed up.
5. All information relating to clients and grant programs and activities funded by or through the Aging Division shall remain the sole property of The State of Wyoming.
6. Any breach of client confidentiality by an Aging Division contractor shall be reported, in writing, to the Aging Division of the Wyoming Department of Health within 48 hours of its discovery.
7. Contractors may not improperly destroy or improperly alter client records or data. Any changes to client data or service records must follow best practices and shall be done in consultation with the Aging Division. (See Records Retention PIN: DORE-2005-1)
8. If for any reason the contractor should cease providing services or doing business, they shall immediately return to the Aging Division all files, documentation, copies, notes, diagrams, etc. regarding clients and grant and contractually authorized activities. All computer storage media and other materials containing any portion of confidential information shall be properly destroyed using current Information Technology Best Practices. The confirmation of this destruction shall be sent to the Aging Division in writing, via certified mail.
9. Electronic data files containing confidential information, regardless of storage media (may include Computer Hard Drives, CDs/DVDs, Flash Drives, Floppy Disks, etc.), shall be properly destroyed using current Information Technology Best Practices, before the storage media is transferred, sold, or otherwise discarded. The confirmation of this destruction shall be sent to the Aging Division in writing, via certified mail.
10. Each contractor shall develop a written policy, and procedures, to enforce this policy.

**Exceptions:**

Contractors may disclose client information when required by federal, state, or local law. This may include, but is not limited to, instances when a crime may have been committed by a client or employee or against a client or employee. Such legal disclosure may also relate to any threat by a client or employee to commit a crime. Decisions regarding this disclosure may require input from the Aging Division and legal counsel.